

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
MAR 09 2010  
  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUBEN GUTIERREZ-ARIAS,

Defendant.

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CR 09-40062

ORDER

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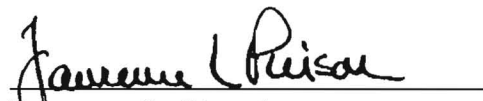
Pending before the Court is the Defendant's Plea Agreement, Factual Basis Statement, and Supplement to Plea Agreement. A hearing to take the plea was held before the Magistrate Judge on February 17, 2010, and Judge Simko issued a Report and Recommendation accepting the plea, and recommending to this Court that the Defendant be adjudged guilty as charged in the Indictment with Illegal Reentry After Deportation in violation of 8 U.S.C. § 1326(a). After a careful review of the file, and the parties having waived their right for objections,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and the Defendant Ruben Gutierrez-Arias is adjudged guilty.

Dated this 9th day of March, 2010.

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: 

DEPUTY